

Our ref: **ATH:20260318**  
Your ref:

Direct dial: 03 9321 7851  
Direct email: [ahudson@rigbycooke.com.au](mailto:ahudson@rigbycooke.com.au)  
Page: 1/3

[www.rigbycooke.com.au](http://www.rigbycooke.com.au)

ABN 58 552 536 547

18 June 2026

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The Director – Investigations 4  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

**By Email: [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au)**

Dear Director

**Gemco Rail Pty Ltd  
Investigation 690 into freight railway wheels from China  
Response to Statement of Essential Facts**

**1 Background**

- 1.1 We continue to act for Gemco Rail Pty Ltd (our **client**).
- 1.2 We refer also to the publication of Anti-Dumping Notice (**ADN**) 2026/073 and the Statement of Essential Facts (**SEF**) report published by the Anti-Dumping Commission (**ADC**) on 29 May 2026.
- 1.3 For the reasons set out in its letter of 14 May 2026, in this letter and in the SEF, our client maintains its position that the cast railway wheels (**CRW**) it imports fall outside the scope of the goods under consideration (**GUC**) in Investigation 690 (**Investigation**) and are not subject to the interim measures imposed under ADN 2025/128 as amended by the ADN.

**2 The CRW are not within the scope of the GUC**

- 2.1 We note that Chapter 3 of the SEF addresses “The Goods and Like Goods”.
- 2.2 Our client concurs with the preliminary findings by the ADC in Chapter 3.7 of the SEF that CRW do not fall within the scope of the GUC for the reasons set out in our previous submissions and as set out in Chapter 3.7 of the SEF.
- 2.3 Based on comments above in paragraph 2.2, our client is of the view that the Final Report to be delivered by the ADC to the Minister should also be consistent to the views in Chapter 3.7 of the SEF and include a recommendation to the effect that the CRW are not within the GUC in the Investigation and should not be subject to any measures which may be applied to forged and rolled railway wheels (**FRW**).

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Our ref: ATH:20260318

Letter to: The Director – Investigations 4  
Anti-Dumping Commission

Your ref:

Page: 2/3

2.4 However, our client wishes to make further comments below.

## 3 **FRW are not substitutable goods for CRW**

3.1 In the paragraph headed “Conclusion” in Chapter 3.7 of the SEF, the Commissioner “notes that the cast and forged wheel are substitutable and compete in the same market”. Our client disagrees with these conclusions for 2 reasons:

- (a) Firstly, we are of the view that the ADC has not undertaken a comprehensive assessment of the substitutability of the FRW and the CRW considering all relevant considerations and recent decisions in the Administrative Appeals Tribunal (or its successor, the Administrative Review Tribunal) or in the Federal Court.
- (b) Secondly, the Commissioner has found that the applicant does not produce CRW, only FRW. Accordingly, the applicant for the measures (**Applicant**) and our client do not compete in the same market.

3.2 Further, for the same reasons as set out in paragraph 3.1(b), the Commissioner cannot make a finding whether the FRW and the CRW are “like goods” when CRW are not subject to this Investigation and are not made by the Applicant.

## 4 **Size of the market**

Under the heading “Conclusion” in paragraph 3.7 of the SEF the Commissioner has found that imports of CRW appear to represent a small volume of goods imported into Australia, compared to the volume of FRW being imported. Accordingly, even if an investigation was to include CRW (which we do not concede), the impact of any injury from alleged dumping or subsidy is not likely to be material.

## 5 **Findings on “downstream” effect of the measures.**

In the letter identified in Item 27 of the Electronic Public Record relating to the Investigation, Freight on Rail Group provides reasons why the “downstream” effects of measures should be assessed and considered when determining whether to impose measures or the quantum of any such measures. Our client agrees to the comments in that submission and is of the view that in making those determinations, the adverse effect on competition in the market from the application of measures should also be assessed before making an assessment on “material injury”.

## 6 **Conclusion**

For the reasons set out above, and for the reasons set out in our client’s previous submissions, our client respectfully reiterates that the CRW it imports do not fall within the scope of the GUC. They are not “railway wheels of forged and rolled high carbon steel” and are therefore not subject to the interim measures imposed by the ADN.

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Our ref: ATH:20260318

Letter to: The Director – Investigations 4  
Anti-Dumping Commission

Your ref:

Page: 3/3

Yours faithfully

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a horizontal line that tapers to the right.

Andrew Hudson  
Partner